



**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

**[Docket No. 140818679-5356-02]**

**RTID 0648-XB465**

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Reopening of the Red Snapper Recreational For-Hire Fishing Season in the Gulf of Mexico**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; reopening.

**SUMMARY:** NMFS is temporarily reopening the recreational fishing season for the Federal charter vessel/headboat (for-hire) component for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) through this temporary rule. The most recent landings data for the red snapper for-hire component in the Gulf indicates the component annual catch target (ACT) for the 2021 fishing year has not yet been reached. The red snapper recreational for-hire component in the Gulf EEZ will reopen for 22 days to allow harvest of the remaining for-hire component ACT. NMFS intends this action to increase benefits to for-hire fisherman while protecting the Gulf red snapper resource by continuing to constrain harvest to the component quota.

**DATES:** This temporary rule is effective from 12:01 a.m., local time, on October 15, 2021, through 12:01 a.m., local time, on November 6, 2021.

**FOR FURTHER INFORMATION CONTACT:** Daniel Luers, NMFS Southeast Regional Office, telephone: 727-551-5719, email: *daniel.luers@noaa.gov*.

**SUPPLEMENTARY INFORMATION:** The Gulf reef fish fishery, which includes red snapper, is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The final rule implementing Amendment 40 to the FMP established two components within the recreational sector fishing for Gulf red snapper: the private angling component, and the Federal for-hire component (80 FR 22422, April 22, 2015). Amendment 40 also allocated the red snapper recreational ACL (recreational quota) between the components and established separate seasonal closures for the two components. The Federal for-hire component's red snapper annual catch target (ACT) is 9 percent below the for-hire component quota (85 FR 9684, February 20, 2020; 50 CFR 622.41(q)(2)(iii)(B)). The measures in Amendment 40 were subsequently extended indefinitely through Amendment

45 to the FMP (81 FR 86971; December 2, 2016).

The red snapper for-hire component seasonal closure is projected from the component ACT. Projecting the for-hire component's seasonal closure using the ACT reduces the likelihood of the harvest exceeding the component quota and the total recreational quota.

All weights described in this temporary rule are in round weight.

The Federal for-hire component 2021 ACT for red snapper in the Gulf EEZ is 2.848 million lb (1.292 million kg) (50 CFR 622.41(q)(2)(iii)(B)).

The 2021 Federal Gulf red snapper for-hire fishing season was previously determined to be 63 days based on NMFS' projection of the date landings were expected to reach the component ACT. For details about the calculation of the projection for 2021, see <https://www.fisheries.noaa.gov/southeast/sustainable-fisheries/gulf-mexico-recreational-red-snapper-management>. NMFS previously announced in the **Federal Register** that the 2021 recreational season for the Federal for-hire component would begin at 12:01 a.m., local time, on June 1, 2021, and close at 12:01 a.m., local time, on August 3, 2021 (86 FR 15430; March 23, 2021).

However, the most recent landings data for the Gulf red snapper for-hire component plus projected landings for data that is not yet available indicate that approximately

670,113 lb (303,958 kg) of the for-hire component ACT remains. NMFS projects that this amount of the remaining ACT will be harvested in 22 days.

Therefore, in accordance with 50 CFR 622.8(c), NMFS reopens the Gulf red snapper Federal for-hire component for 22 days to allow the component ACT to be harvested. The recreational season for the Federal for-hire component will reopen at 12:01 a.m., local time, on October 15, 2021, and close at 12:01 a.m., local time, on November 6, 2021. When the for-hire component closes again on November 6, 2021, the bag and possession limits for red snapper for Federal for-hire vessels are zero. When the Federal for-hire component is closed, these bag and possession limits apply in the Gulf on board a vessel for which a valid Federal for-hire permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters. In addition, a person aboard a vessel that has been issued a charter vessel/headboat permit for Gulf reef fish any time during the fishing year may not harvest or possess red snapper in or from the Gulf EEZ when the Federal charter vessel/headboat component is closed.

### **Classification**

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is taken under 50 CFR 622.8(c), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under

Executive Order 12866., and other applicable laws.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment is unnecessary and contrary to the public interest.

Such procedures are unnecessary because the regulation at 50 CFR 622.8(c) has already been subject to notice and public comment, and all that remains is to notify the public that additional harvest is available under the established Federal for-hire component ACT, and therefore, the Federal for-hire component for Gulf red snapper will reopen. Such procedures are contrary to the public interest because many for-hire operations book trips for clients in advance and require as much notice as NMFS is able to provide to adjust their business plans to account for the reopening of the fishing season. Additionally, a reopening of the component in October instead of later in the fishing year is preferable because it may reduce the likelihood of encountering inclement weather that generally occurs with greater frequency later in the fishing year.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: September 30, 2021.

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Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.

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